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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

Summary

In conformity with General Assembly resolution 62/69, the present report outlines the progress made by the Secretariat since the last report (A/62/124) in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited, in paragraphs 13 and 25 of the present report, to take action in the light of the conclusions drawn in sections II.G and III.F.

* A/63/50.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 62/69. In paragraph 8 of the resolution, the Assembly commended the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme and the wider cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*. In paragraphs 9 and 10, the Assembly noted with appreciation the contributions made by Member States to the trust fund for the updating of the *Repertoire*, as well as the trust fund for the elimination of the backlog in the *Repertory*, and reiterated its call for voluntary contributions to those trust funds and the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the two publications. In paragraph 11, the Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertory* and the *Repertoire* and making them available electronically in all their respective language versions. In paragraph 12, the Assembly reiterated the responsibility of the Secretary-General for the quality of the two publications and, with regard to the *Repertoire*, called upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952 (A/2170). Finally, in paragraph 13, the Assembly requested the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the Assembly at its sixty-third session.

II. *Repertory of Practice of United Nations Organs*

A. Preparation of supplements to the *Repertory of Practice of United Nations Organs*

2. Since the last report (A/62/124), the Secretariat finalized and submitted for translation and publication volume V of Supplements Nos. 8 and 9 in July 2008. Consequently, in respect of volume V, Supplements Nos. 1 to 9 have been brought to completion and made available on the website of the *Repertory* (www.un.org/law/repertory). Seven other volumes are in different stages of preparation. In particular, during the period under review, work progressed with respect to volume II of Supplements Nos. 7, 8 and 9, and volume IV of Supplements Nos. 8 and 9. Work is also under way on three studies for volume VI of Supplements Nos. 8 and 9. However, lack of resources continued to affect the progress of work in some departments and the pace in the preparation of studies on certain Articles of the Charter of the United Nations has been considerably slowed down.

3. As a means of addressing the backlog on volume III of Supplements Nos. 7, 8 and 9 (1985-1999), Articles have been identified for which studies of the *Repertoire* and the *Repertory* overlap. In such cases, in accordance with a decision taken by the Interdepartmental Committee on Charter Repertory, cross-references have been provided to the studies of the *Repertoire*, where appropriate.

4. In addition, advance versions of several studies pertaining to individual Articles, which have been finalized and are awaiting completion of the respective volumes, continued to be made available on the Internet by the Secretariat.

5. The current status of the publication (original *Repertory* and supplements thereto), which should, as a whole, consist of 50 volumes (1946-2005), is as follows: 28 volumes have been published[1] and 6 volumes have been finalized and submitted for translation and publication.[2] Consequently, the work to be completed comprises 16 volumes, 7 of which are in different stages of preparation.

6. Annex I to the present report sets out the responsibilities of individual Secretariat units for the preparation of *Repertory* studies on individual Articles. Annex II provides information on the status of the *Repertory*.

B. Availability of *Repertory* studies on the Internet

7. Studies from 34 complete volumes, including the 6 volumes in processing for publication, as well as studies on individual Articles of the Charter from 7 volumes not yet complete are available on the United Nations website for the *Repertory*. The electronic version of the *Repertory* has proven indispensable in reducing the backlog in the *Repertory* by making individual studies available before the issuance of the respective supplement volumes. A full-text search feature is available, providing the user with the opportunity to search all the studies instantaneously for any word or combination of words. This search engine is available in the three languages of the publication, namely English, French and Spanish.

8. Currently, all studies available in English are on the Internet, with a considerable number of them also available in French and Spanish. In compliance with the request of the General Assembly that all versions of the *Repertory* be made available electronically, a large number of additional studies in French and Spanish have been placed on the Internet since my previous report. Furthermore, a number of studies have been prepared in French in cooperation with academic institutions. The Secretariat will continue to make available electronically all three language versions of the finalized *Repertory* studies.

C. Cooperation with academic institutions

9. The well-established cooperation with Columbia University Law School continued for the fifth consecutive year and four students contributed to the preparation of studies pertaining to volume II of Supplements Nos. 7, 8 and 9. Furthermore, the collaboration project established with French-speaking academic institutions (University of Paris X — Nanterre, University of Paris I — Sorbonne, University of Paris II — Assas, University of Nice, Centre d'études et de recherches internationales et communautaires (CERIC) — University of Aix-en-Provence, Free University of Bruxelles and University of Genève/Institut universitaire de hautes études internationales), in order to contribute to the preparation of studies on certain Articles, continued to give results and some further advance versions of such studies were placed on the Internet, in French, after their review by the Secretariat. These studies concern Articles 10, 11 and 12 for Supplements Nos. 7 and 8; Article 14 for

[1] *Repertory* and Supplements Nos. 1-6 (1946-1984), for a total of 26 volumes, and volumes V and VI of Supplement No. 7 (1985-1988).

[2] Volumes I and IV of Supplement No. 7 (1985-1988), and volumes I and V of Supplements Nos. 8 (1989-1994) and 9 (1995-1999).

Supplement No. 9; Article 61 for Supplements Nos. 8 and 9; and Article 62 (4) for Supplements Nos. 8 and 9. Furthermore, several other studies are currently under preparation, corresponding to volume II of Supplements Nos. 7, 8 and 9. These studies are expected to be completed in the coming months.

D. Trust fund

10. In its resolution 62/69, the General Assembly reiterated its call for voluntary contributions to the trust fund established pursuant to its resolution 59/44, in order to eliminate the backlog in the *Repertory*. Accordingly, a note verbale was sent to all permanent missions to the United Nations reminding them of the possibility to make voluntary contributions to the trust fund and requesting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals who might be able to assist in that regard. The Secretary-General welcomes with appreciation the contributions to the trust fund received from the following Member States: Albania ($1,500), Guinea ($785) and Turkey ($5,000).

E. Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

11. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the item on the *Repertory* and the *Repertoire* at its last session, held from 25 February to 5 March and on 7 March 2008. In its report (A/63/33, para. 13), the Special Committee recommended, inter alia, with respect to the *Repertory*, that the General Assembly commend the Secretary-General for the progress made in the preparation of studies, including the increased use of the internship programme of the United Nations and the further expanded cooperation with academic institutions for this purpose; note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*; reiterate its call for voluntary contributions to the trust fund and the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions; and reiterate the responsibility of the Secretary-General for the quality of the *Repertory*.

F. Interdepartmental Committee on Charter Repertory

12. The Interdepartmental Committee on Charter Repertory, convened on 3 April 2008, noted recent outstanding progress made in the preparation of the studies of the *Repertory* and observed with appreciation that the backlog in volumes I and V had been totally eliminated. It was also observed that in view of the small gaps remaining to complete volumes II and IV, efforts should continue to that end. The Committee agreed with the proposal that the money deposited in the trust fund to eliminate the backlog in the *Repertory* should be used primarily to finalize certain volumes that were near completion, by hiring some consultants who would prepare, in one or two months, isolated studies, for example within volumes II, IV and VI.

G. Conclusions

13. With respect to the *Repertory*, in the light of the foregoing, the General Assembly may wish:

(a) To note the current status of the publication, including the progress made in the preparation of *Repertory* studies and in their posting on the Internet in three languages (English, French and Spanish);

(b) To consider the recommendation of the Special Committee (see para. 11 above) concerning the increased use of the internship programme of the United Nations and the further expanded cooperation with academic institutions for the preparation of studies; voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory*; the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; the call upon the Secretary-General to continue his efforts towards updating the publication and the desirability of making it available electronically in all its language versions; and the reiteration of the Secretary-General's responsibility for the quality of the *Repertory*;

(c) To express appreciation for the contribution received to the trust fund for the elimination of the backlog of the *Repertory*.

III. *Repertoire of the Practice of the Security Council*

A. Mandate and preparation

14. The *Repertoire of the Practice of the Security Council*, originally mandated by the General Assembly in its resolution 686 (VII) of 5 December 1952, continues to provide a record of the evolving practice and procedure of the Security Council in the framework of the Charter of the United Nations and the Council's provisional rules of procedure.

15. In accordance with the "two-track" approach, most recently endorsed by the General Assembly in its resolution 62/69, the Secretariat has continued to focus on the Security Council's contemporary practice, in which Member States have expressed the most interest, while concurrently ensuring progress in coverage of the Council's earlier practice. Currently, the Secretariat is working on the thirteenth, fourteenth and fifteenth Supplements to the *Repertoire*, covering the periods 1996 to 1999, 2000 to 2003 and 2004 to 2007, respectively. Since the "two-track" approach entails the simultaneous preparation of two or even more supplements to the *Repertoire*, its implementation has constituted a considerable challenge for the Secretariat.

16. Furthermore, the activities of the Security Council and its subsidiary organs have been increasing both in pace and complexity, as the Council has continued to diversify its agenda to include conflict prevention and post-conflict peacebuilding, as well as thematic issues such as justice and the rule of law, small arms and the protection of civilians in armed conflict. As a result, the Council is now giving in-depth consideration to nearly 50 agenda items each year and touching upon new dimensions in the interpretation and application of the Charter. At the same time, the Council is taking initiatives aimed at greater transparency, streamlined working

methods and enhanced cooperation with other principal organs of the United Nations. The Secretariat has made careful efforts to capture all those evolving as well as expanding dimensions in the work of the Council in the supplements to the *Repertoire*, within the context of the modalities outlined in paragraphs 102 to 106 of the Secretary-General's report of 18 September 1952 (A/2170).

17. Within the limits of the resources available to it, the Secretariat has continued its efforts at producing the *Repertoire* in the most expeditious manner consistent with accuracy and balance by resorting to several efficiency-enhancing initiatives. A few examples of such initiatives include specialized training of staff, allowing for the sharing of information and knowledge on similar chapters in various supplements to the *Repertoire*; careful review of the contents of all 12 chapters in a single supplement to reduce redundancies and streamline material covered in the individual chapters; further enhancement of databases to capture and retrieve the mounting body of past and current practices and procedures of the Security Council; and updating of internal editorial guidelines to capture staff expertise and experience and ensure consistency.

B. Availability of *Repertoire* studies on the Internet

18. With respect to the past practice of the Security Council, following publication of the eleventh Supplement to the *Repertoire* (1989-1992) and the posting on the website of an advance version of the twelfth Supplement (1993-1995), the Secretariat has been working towards the completion of the thirteenth Supplement (1996-1999). All chapters of this volume will be posted in an advance version by September 2008.

19. Regarding coverage of the Council's contemporary practice, work on the fourteenth Supplement (2000-2003) is proceeding apace. All procedural and constitutional chapters of this volume have been posted in an advance version and the entire volume is expected to be completed in 2009.

20. The Secretariat is continuing to work on the fifteenth Supplement (2004-2007). Several procedural chapters of this volume are available on the website in an advance version. It is expected that several more procedural and constitutional chapters will be posted in an advance version by the end of 2008.

21. By closely tracking and recording contemporary practice of the Security Council in internal databases, the Secretariat has systematically been laying the groundwork for the preparation of the sixteenth Supplement, covering a two-year period (2008-2009). The progress on this Supplement will depend on the continued availability of resources, which is considered further below.

C. Publication in language versions (print and electronic)

22. In compliance with General Assembly resolution 55/222, in which the Assembly requested the Secretary-General to publish the future supplements to the *Repertoire* in all six official languages, the tenth Supplement was published accordingly and the eleventh and twelfth Supplements have been submitted for translation. All completed language versions have been posted on the *Repertoire*

website, which exists in all official languages.[3] In addition, the Secretariat has digitalized and posted the original and subsequent nine Supplements of the French-language *Repertoire*, previously available only on a limited basis in hard copy.

D. Advance publication

23. To allow access to information as quickly as possible, the Secretariat has posted on its website finalized chapters of the *Repertoire* in an advance version. All chapters of the twelfth Supplement and individual chapters of the thirteenth, fourteenth and fifteenth Supplements are accessible on the website (see annex III to the present report).

E. Resources

24. The preparation and production of the *Repertoire* would not have been possible without the continued support of the General Assembly. Research assistance from interns has also served as an important resource for the work on the *Repertoire*. Voluntary contributions to the trust fund for the updating of the *Repertoire* remain an important element for sustaining progress in a situation of financial constraint. The Secretariat is grateful to those Member States which have contributed to the trust fund, thereby making it possible to retain the services of temporary staff assisting in the preparation of the *Repertoire*. In addition, the many years of sponsorship by Germany and Italy, and now also by Norway, of associate experts who continue to make a valuable contribution to advancing the work on the *Repertoire*, have helped the Secretariat move closer to its goal to update the publication. That challenge, however, remains to be met fully. Member States are therefore encouraged to continue supporting the *Repertoire* through their voluntary contributions.

F. Conclusions

25. **With respect to the *Repertoire of the Practice of the Security Council*, in the light of the foregoing, the General Assembly may wish:**

(a) **To note the progress made towards the updating of the *Repertoire*;**

(b) **To note the implementation of efficiency-enhancing measures to expedite the preparation of the *Repertoire*;**

(c) **To note the continued posting of the *Repertoire* in electronic form in all language versions on the United Nations website;**

(d) **To reiterate its call for voluntary contributions to the trust fund for the updating of the *Repertoire*;**

[3] Arabic: www.un.org/arabic/sc/repertoire; Chinese: www.un.org/chinese/aboutun/prinorgs/sc/repertoire; English: www.un.org/Depts/dpa/repertoire; French: www.un.org/french/docs/cs/repertoire; Russian: www.un.org/russian/sc/repertoire; Spanish: www.un.org/spanish/Depts/dpa/repertoire.

(e) To note with appreciation the support which Germany, Italy and Norway have extended by sponsoring, on a voluntary basis, associate experts to assist in the preparation of the *Repertoire*, and to encourage other Member States in a position to do so to consider providing such assistance.

Annex I

Secretariat units bearing primary responsibility for the preparation of *Repertory* studies on individual Articles of the Charter of the United Nations*

Department	Repertory *volume*
Office of Legal Affairs	Volume I: Articles 1 to 7
	Volume II: Articles 13 (l) (a), 18, 19 and 22
	Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16
	Volume III: Articles 23 to 39 and 107
	Volume V: Articles 73 to 85, 87 and 88
Department of Peacekeeping Operations	Volume III: Articles 40 to 54 and 106
Department for Disarmament Affairs	Volume II: Article 11
Department for General Assembly and Conference Management	Volume II: Articles 9, 15, 20 and 21
	Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72
	Volume V: Articles 86 and 89 to 91
Department of Management	Volume II: Article 17
	Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	Volume VI: Article 100 (2)
Department of Economic and Social Affairs	Volume II: Articles 8[a] and 13 (1) (b) and (2)
	Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71
Office of the United Nations High Commissioner for Human Rights	Volume II: Article 13 (1) (b)
	Volume IV: Articles 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Volume II: Article 13 (1) (a)

* This distribution is the result of several decisions of the Interdepartmental Committee on Charter Repertory taken at various points in time since 1996 and is subject to review by the Committee.

[a] The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period from 1997 onward, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Status of the *Repertory of Practice of United Nations Organs* (July 2008)

Legend:

Volumes published and on Internet	Studies submitted for publication	Studies on Internet (not submitted for publication)	Studies in preparation or under review	Cross reference to the *Repertoire* of the Security Council

Note: Organization of studies in volumes indicated below relates to Supplements Nos. 6 to 9 and varies for the *Repertory* and Supplements Nos. 1 to 5.

Volume, Articles (paras. in parentheses)	*Supplements*									
	Original Repertory	*1*	*2*	*3*	*4*	*5*	*6 (1979-1984)*	*7 (1985-1988)*	*8 (1989-1994)*	*9 (1995-1999)*
Volume I							I	I	I	I
Articles 1-8										
Volume II							II	II	II	II
Articles 13 (1a, second sentence), 16, 18, 19, 20, 22										
Articles 10-12										
Article 14										
Article 15										
Article 13 (1b, 2)										
Article 21										
Articles 9, 13 (1a, 1), 17										
Volume III							III	III	III	III
Articles 23-25										
Article 26										
Articles 27-51									1989-1992	1993-1995 / 1996-1999
Articles 52-54										
Volume IV							IV	IV	IV	IV
Articles 55 (a, b, c), 57-59, 62 (4), 63, 64, 68, 70, 71										
Articles 56, 62 (2), 65										
Articles 60, 61, 66, 67, 69, 72										
Volume V							V	V	V	V
Articles 73-91										

Volume, Articles (paras. in parentheses)	*Supplements*									
	Original Repertory	*1*	*2*	*3*	*4*	*5*	*6 (1979-1984)*	*7 (1985-1988)*	*8 (1989-1994)*	*9 (1995-1999)*
Volume VI							**VI**	**VI**	**VI**	**VI**
Articles 92-96, 98 (section dealing with treaties), 102, 106-111										
Articles 99, 103-105										
Article 100										
Articles 97, 98 (partially prepared)										
Article 101										

Studies prepared between 1954-1980

Studies prepared 1996-2008

Annex III

Status of the *Repertoire of the Practice of the Security Council* (June 2008)

Supplement	Procedural chapters							Chap. 8	Constitutional chapters				Languages (published)
	1	2	3	4	5	6	7		9	10	11	12	
Original volume 1946-1951													English, French
Supplement I 1952-1955													English, French
Supplement II 1956-1958													English, French
Supplement III 1959-1963													English, French
Supplement IV 1964-1965													English, French
Supplement V 1968-1968													English, French
Supplement VI 1969-1971													English, French
Supplement VII 1972-1974													English, French
Supplement VIII 1975-1980													English, French
Supplement IX 1981-1984													English, French
Supplement X 1985-1988													Arabic, Chinese, English, French, Russian, Spanish[a]
Supplement XI 1989-1992													English (language versions forthcoming)
Supplement XII 1993-1995													
Supplement XIII 1996-1999													
Supplement XIV 2000-2003													
Supplement XV 2004-2007													

[a] As mandated by the General Assembly in resolution 55/222, this Supplement and future Supplements of the *Repertoire* are to be published in all official languages of the United Nations.